

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

VININGS ON THE
CHATTahoochee TOWnHOME
ASSOCIATION INC.,

Plaintiff,

v.

AMERICAN ALTERNATIVE
INSURANCE CORPORATION, a
foreign corporation,

Defendant.

Civil Action File No.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant American Alternative Insurance Corporation (“AAIC”) removes the above-captioned lawsuit from the Superior Court of Fulton County, Georgia, Civil Action No. 2023CV379961 in which it is currently pending, to the United States District Court for the Northern District of Georgia, Atlanta Division. As grounds for removal of this case, AAIC states as follows:

1. On May 10, 2023, Plaintiff Vinings on the Chattahoochee Townhome Association, Inc. (“Vinings”) filed the above-captioned lawsuit in the

Superior Court of Fulton County, Georgia.

2. On May 11, 2023, AAIC was served with a copy of the Complaint.

3. Service upon AAIC was the first time AAIC was made aware of this lawsuit.

4. This Notice of Removal is filed in a timely and proper manner pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days of May 11, 2023, the date that AAIC was served with the Complaint.

5. This civil action is one over which this Court has original jurisdiction under 28 U.S.C. § 1332 and which may be removed to this Court under 28 U.S.C. §§ 1441 and 1446. This is a civil action in which the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is an action between citizens of different states.

6. All pleadings in the Fulton County Superior Court action are attached hereto as **Exhibit “A”**.

7. Vinings is and was at the time of filing a domestic nonprofit corporation formed under the laws of the State of Georgia with its principal place of business in the State of Georgia.

8. AAIC is and was at the time of the filing of this lawsuit a corporation under the laws of the State of Delaware with its principal place of business in the

State of New Jersey.

9. Accordingly, there is complete diversity of citizenship between Vinings, on the one hand, and AAIC, on the other.

10. In the instant litigation, Vinings seeks damages for AAIC's alleged failure to pay a claim under Policy No. CAU510919-4 (the "Policy") arising from a wind/hail event occurring on or about July 27, 2022.

11. Vinings asserts that on January 10, 2023, Vinings, through counsel, made a demand to AAIC in the amount of \$903,369.40 less previous payments, depreciation, and the applicable deductible for the alleged property damage caused by a July 27, 2022 wind/hail event (the "Demand"). (*Id.* at ¶ 17.)

12. Vinings asserts a breach of contract claim against AAIC based on the Policy and AAIC's alleged failure to pay the full amount of the Demand. (*Id.* at ¶¶ 23-31.)

13. Vinings also asserts a bad faith claim under O.C.G.A. § 33-4-6, which if successful could potentially allow Vinings to recover not only what it claims is covered under the Policy, but also an additional amount of up to 50% of the alleged covered loss, plus reasonable attorney's fees incurred in bringing this case (*Id.* at ¶¶ 32-40.)

14. Thus, in light of Vinings's \$903,369.40 demand and Vinings's

claims for breach of contract and bad faith, the amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs.

15. A copy of this Notice of Removal is being filed with the Superior Court of Fulton County and has been served upon Vinings.

16. The United States District Court for the Northern District of Georgia, Atlanta Division, is the federal judicial district encompassing the Superior Court of Fulton County, Georgia, where Vinings originally filed this suit such that this is the proper federal district for removal of this case to federal court under 28 U.S.C. § 1441(a) and § 90(a)(2).

17. AAIC does not waive any jurisdictional or other defenses that might be available.

18. AAIC reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, AAIC removes this action from the Superior Court of Fulton County to this Court.

Respectfully submitted this 9th day of June, 2023.

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